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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/785,159	02/23/2004	Edward H. Chandler		8496

7590 04/04/2007  
Edward H. Chandler  
453 Dolphin Street  
Melbourne Beach, FL 32951

EXAMINER
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MAI, TRI M

ART UNIT	PAPER NUMBER
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3781

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/04/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/785,159

Applicant(s)

CHANDLER, EDWARD H.

Examiner

Tri M. Mai

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE \_\_\_\_\_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☐ Claim(s) \_\_\_\_\_ is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

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1. Claims 5, 6, and 8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

“the rim”, “said sleeve” has no antecedent basis.

Regarding claim 8, “such as” renders the claim indefinite.

Regarding claim 6 and 8, the recitation “well known” renders the claim indefinite. It is unclear what comprises the structure following “well known”.

2. Claim 1, 4, 5, and 12 are rejected under 35 U.S.C. 102 (b) as being anticipated by Shin (5816396). Shin teaches a device having a holding means and fastening means for fastening the holding means externally to the golf bag.

Regarding claim 5, note the bifurcated hook 32 in Fig. 1 having two legs and providing gripping force for attaching

3. Claim 6 is rejected under 35 U.S.C. 103 (a) as being unpatentable over Shin in view of Mejeur (5566870). Shin meets all claimed limitations except for the hook and loop fastener on the billet member and on the strap. It would have been obvious for one of ordinary skill in the art to provide hook and loop fasteners on the billet and on the strap as taught by Mejeur, see fig. 4, to provide added security.

4. Claims 7, 10, and 11 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Shin in view of either Rogers (6571947) or Sidor et al. (4194547). Shin does not mention the cover being resilient. Either Rogers or Sidor teaches that it is known in the art to provide a golf holding being made from resilient material (col. 3, ln. 29; abstract, ln. 1 respectively). It would

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have been obvious for one of ordinary skill in the art to make the tube of Shin from resilient material to provide an alternative material for the tube.

5. Claim 8 is rejected under 35 U.S.C. 103 (a) as being unpatentable over Aliano, Jr. (5472084) in view of Rhee (4509643). Aliano, Jr. teaches a bag and a removable device being the sleeve 54 in Fig. 3. It would have been obvious for one of ordinary skill in the art to make the device 54 of resilient material, note portion 1, as taught by Rhee to provide the desired material for the bag.

6. Claims 1, 2, and 7 are rejected under 35 U.S.C. 102 (b) as being anticipated by Perdue et al. (4869369). Perdue teaches a removable device having a holding means and fastening means as claimed.

Regarding claim 2, note that each pocket 40 in Perdue is hollow opening ended as claimed.

7. Claims 2 is rejected under 35 U.S.C. 103 (a) as being unpatentable over Perdue in view of Slankster (7059470) or Little (D352392). To the degree it is argued that that the sleeve in Perdue is not a sleeve as claimed. It would have been obvious for one of ordinary skill in the art to provide a tubular sleeve as taught by either Slankster or Little to provide an alternative pocket.

Note that Perdue teaches an upper and lower tabs and slots at 30, 31.

8. Claim 1-2, 4, 7-10, and 12 are rejected under 35 U.S.C. 102 (e) as being anticipated by Slankster (7059470). Slankster teaches a holding device with fastening means as claimed.

Regarding claim 2, note the protruding tabs holding rings 66, and the slot where rings 66 is inserted. Note also the similar bottom structure in Fig. 2.

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Regarding claim 7, note that the hook at 25 or 70 can be attached to the rim of the bag as claimed, and note the belt on the bottom having portion 25A in Fig. 1.

9. Claims 7-12 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Slankster in view of Mejeur. To the degree it is argued that that Slankster does not teach a belt. It would have been obvious for one of ordinary skill in the art to provide a belt as taught by Mejeur to mount the ring 25 properly.

10. Claims 1, and 4-5 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Little (D352392) in view of Shin (5816396). It would have been obvious for one of ordinary skill in the art to provide a belt as taught by Shin to secure the bottom of holster to the bag easily.

11. Claims 7, 10-12 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Little as set forth above in paragraph 10, and further in view of either Rogers or Sidor. It would have been obvious for one of ordinary skill in the art to make the holster from resilient material as taught by either Rogers or Sidor to provide the desired material.

12. Claim 3 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tri M. Mai whose telephone number is (571)272-4541. The examiner can normally be reached on 7:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Stashick can be reached on (571)272-4561. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Tri M. Mai  
Primary Examiner  
Art Unit 3781

T. Mai